

***United States Court of Appeals  
for the Second Circuit***



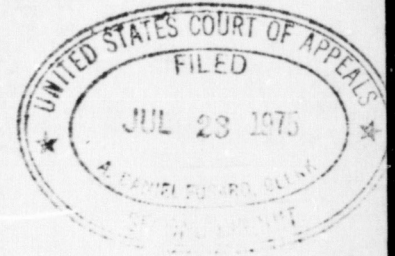
**APPELLEE'S BRIEF**



*Original w/ Affidavit of Mailing*

**75-2016**

*To be submitted*



**United States Court of Appeals**

**FOR THE SECOND CIRCUIT**

**Docket No. 75-2016**

UNITED STATES OF AMERICA,

—against—

JOE L. JOHNSON,

*Appellee,*

*Appellant.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

**BRIEF FOR THE APPELLEE**

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UNITED STATES COURT OF APPEALS  
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- - - - - X

JOE L. JOHNSON,

Appellant.

v.

75-2016

UNITED STATES OF AMERICA,

Appellee.

- - - - - X

PRELIMINARY STATEMENT

In 1972, following a four day jury trial before Anthony J. Travia, District Judge, appellant was convicted on five counts of a seven count indictment for the possession and sale to an undercover agent on two separate occasions of over 60 grams of heroin. On December 11, 1972, Mr. Johnson was sentenced by the Court to a term of 15 years imprisonment. Appellant, thereafter, prosecuted a direct appeal to the Second Circuit. After hearing full arguments from both sides this Court affirmed the conviction from the bench. See 474 F.2d 1336 (1973)

On September 3, 1974 appellant moved the District Court, pursuant to 28 U.S.C., §2255, to vacate his sentence. Judge Travia, in denying appellant's motion, found Johnson's several claims to have either been litigated on direct appeal, or otherwise meritless. His Honor denied appellant's motion without an evidentiary hearing, holding the files and records conclusively showed that Mr. Johnson was not entitled to relief.<sup>1/</sup>

Appellant then petitioned the District Court on December 3, 1974 for a rehearing of his initial motion, or in the alternative, permission to appeal in forma pauperis (A. 77-80). By an order dated December 10, 1974, Judge Costantino denied appellant's petition for a rehearing, but granted leave to appeal. It is from this order that Johnson brings his appeal (A. 81).

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<sup>1/</sup> Appellant's motion papers have been reproduced at page 70-71B of the Government's Appendix (A. 70-71P), and Judge Travia's decision begins at A. 72.

STATEMENT OF THE CASE

## A. Pre-trial proceedings

On October 16, 1970, pursuant to a warrant issued the previous day, federal agents arrested the appellant, Joe L. Johnson, for violation of the federal narcotics laws. A search incident to the arrest revealed additional quantities of heroin inside the appellant's residence. On November 5, 1970, a seven count indictment was filed in the United States District Court for the Eastern District of New York charging the appellant with the possession and sale of 30.61 grams of heroin on August 4, 1970 (Counts 1,2,3) and 30.40 grams of heroin on August 12, 1970 (Counts 4,5,6), and the possession of 101.1 grams of heroin seized on the day of arrest, October 16, 1970 (Count 7). On November 19, 1970, Johnson, represented by counsel, entered a not guilty plea to the indictment.

On July 6, 1971, one day after the implementation of the Second Circuit's Rules for the Prompt Disposition of Criminal Cases, the Government filed its notice of readiness.<sup>2/</sup> By subsequent notice from the Clerk of the District Court on February 8, 1972, all parties were informed that the criminal cause had

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<sup>2/</sup> At the hearing held on the appellant's motion to dismiss for lack of prosecution on April 28, 1972, the Court indicated the notice of readiness had been filed on September 3, 1971 (A. 15-16). Whereas the Government's copy of the notice remained undated, the District Court docket sheet indicates filing of the notice on July 6, 1971 (A.3).

been set down by Judge Travia "for all purposes" for April 3, 1972. However, on April 3, the case was called but adjourned, again "for all purposes", until April 28, 1972.

On April 24, 1972, defense counsel submitted to Judge Travia, at his Westbury chambers, a notice of motion and accompanying motion papers seeking dismissal of the indictment for the alleged violation of the appellant's "Speedy Trial" rights (A. 12). In the covering letter to the Government accompanying its copy of the motion papers, no indication was given that the motion was to be submitted without oral argument. However, on April 28, the date set down for the motion's argument, defense counsel did not appear before the Court. Judge Travia indicated to the Government though, that in defense counsel's cover letter to the Court, counsel did indicate his desire that the motion be considered on submission without oral argument. Moreover, Mr. Salaway, then counsel for the defendant-appellant, further requested of the court that if the motion be denied, trial for the criminal cause be set down sometime in September owing to counsel's outstanding trial commitments (A. 12-14).

Defense counsel, in his papers, acknowledged that no prior demand for a speedy trial had been made during the the eighteen months that had elapsed since appellant's arrest.

In support of the motion, counsel asserted that the delay had frustrated appellant's attempts to locate and produce witnesses that were to testify on his behalf. However, counsel admitted appellant's inability to ascertain whether in fact he could then produce such witnesses, conceding that at that time, the defendant-appellant was unable to support his position (A.8). The Court then addressed the Assistant United States Attorney inquiring as to the reason for the delay. The Government in reply asserted its continuing ability to go to trial since the filing of the notice of readiness on July 6, 1971 (A. 14-15). The Court then denied appellant's motion from the bench.

Considering Mr. Salaway's alternative request, however, the Court did reschedule the case for June 30, 1972 (A. 17). The docket entries indicate that when the case was called on June 30, appellant and his counsel were not present, therefore, the case was then adjourned to September 5, 1972 for trial. (A. 4) The case was again called on September 5, but further adjourned until September 26. (A.4) On this latest date the case was marked ready subject to final disposition of another matter before the Court. Finally, on October 4, 1972, a hearing was held on appellant's motion to suppress, which the Court denied, and on October 10, 1972, the trial itself commenced. There is no suggestion in the record that any of the adjournments were requested by the Government.

## B. The Trial

At trial, the Government presented testimony of several agents of the Bureau of Narcotics and Dangerous Drugs (BNDD), who participated in the purchases of narcotics from the appellant or the surveillance of the various meetings between the undercover agent and appellant. Agent McMillian, the undercover agent, testified in essence that on August 4, he and an informant for the BNDD met with other agents to discuss prepatory details and then immediately proceeded to appellant's residence where McMillian was introduced to the appellant by the informant. Thereafter, McMillian effected the purchase of a bag of "white powder" in return for \$1600 in cash (A. 19-22). A field test was conducted on the purchased substance which indicated that the powder was indeed heroin (A. 23-24). Further testimony of Agent McMillian depicted the details surrounding the planning and execution of the purchase of 30.40 grams of heroin from appellant on August 12, 1970. (A. 25-31).

The government next called Patrolman Julius Georgetti, a member of the surveillance unit assigned to accompany McMillian on his undercover operations to the appellant's residence. (A. 34-49). After the surveillance testimony both sides entered into a stipulation conceding that Anthony Fonseca, chemist for the BNDD, would have testified that further analysis of the matter purchased had conclusively shown it to be heroin. On questioning by the Court, appellant testified that he knew and fully understood the

conditions of the stipulation put forth before Judge Travia, and that he freely consented to the stipulation (See Trial Transcript at 269-274).

At the trial's conclusion, the jury returned a guilty verdict on five of the seven counts, and acquitted Johnson on Count 2, one of the counts relating to the August 4 purchase, and Count 7 which concerned the possession of 101.1 grams of heroin seized on the day of arrest.

#### C. Sentencing proceedings

On December 11, 1972, the appellant, represented by Mr. Salaway, appeared before Judge Travia for sentencing. Before commencement of the proceedings, counsel for the appellant requested fifteen minutes of the Court's time to secure the presence of one Agent Ryan, an arresting officer, with whom the appellant had been cooperating since his arrest (A. 53). A phone call by both the Assistant United States Attorney and defense counsel to Agent Ryan found him ambivalent to the suggestion of his "necessary" testimony, as Ryan was dissatisfied with the supposed cooperation received from appellant. Agent Ryan left the decision as to his presence to both the prosecution and counsel for the appellant, and Mr. Salaway returned to the courtroom and reported the essence of the conversation to the Court. Judge Travia then noted his assumption of the appellant's cooperation and concluded that Ryan could add nothing to the proceeding. Rather

than further delaying the sentencing, Judge Travia suggested that Mr. Salaway speak with Agent Ryan after sentencing, and if he determined Ryan had anything pertinent to offer, that he move under Rule 35 to reduce sentence. To this, counsel for the appellant agreed (A 53-58).

Mr. Salaway then offered a lengthy plea in mitigation to the court stating that appellant was the product of the ghetto environment, who had been compelled by circumstances to live by the rules of the streets (A 59-61). Counsel further asserted appellant's continued denial of ever possessing drugs to which the court noted that a jury had just convicted Johnson for such an offense (A 61-63). The Court then recounted the inconsistent trial testimony of the appellant in which he claimed he stopped using drugs in 1969. In response, defense counsel conceded that Johnson's dealings in narcotics were "for profit motives, no doubt about it." (A. 63) At the conclusion of counsel's plea, the Court invited appellant to exercise his right of allocution. The appellant declined (A. 66).

In pronouncing sentence Judge Travia indicated that he had given due weight both to appellant's profit motives in his narcotics transactions and the three most serious convictions of more than twenty criminal charges leveled against Johnson since 1954: assault with intent to commit murder; possession of a dangerous weapon; and the possession of narcotics occurring after his arrest in this case. (A. 63-65) Judge Travia then imposed a

sentence of 15 years imprisonment on Counts 1, 3, 4 and 6, and 10 years on Count 5, the terms of imprisonment to run concurrently (A. 66-67).

The Court thereafter advised appellant of his right to appeal whereby Mr. Salaway confirmed his intentions to do so immediately (A. 67-68). Judge Travia then complimented appellant's counsel for his exemplary defense of Mr. Johnson (A. 69).

#### D. The Appeal

Mr. Salaway, as he so indicated, prosecuted an appeal raising three issues; (1) denial of appellant's rights to a speedy trial; (2) improper admission into evidence of the heroin seized on October 16, 1970; and (3) the Court's failure to sever Count 7. Arguments were heard by the Second Circuit on April 6, 1973; the Court affirmed the conviction from the bench.

#### E. Post-appellate proceedings

Appellant, on September 3, 1974 petitioned the sentencing Court, pursuant to 28 U.S.C., §2255, to vacate his sentence, asserting for the third time in as many years the denial of his rights to a speedy trial, and secondly, the denial of effective assistance of counsel. (A. 70-71)

In support of his speedy trial claim appellant again emphasized the prejudicial effect of the delay, proffering contentions identical to those raised in his motion to dismiss and

his appeal. Once again appellant's motion papers were unaccompanied by the necessary affirmation confirming his abilities to produce his defense witnesses.

Relevant to the asserted denial of effective assistance of counsel, appellant raised the contention that his attorney was under investigation for fixing cases at the time of Johnson's trial. Moreover, appellant claimed prejudice by the fact that Mr. Salaway was defense counsel in a case in which Judge Travia had testified, United States v. Bynum, 360 F. Supp. 400 (S.D.N.Y.) aff'd 485 F.2d 490 (1973). Finally, it was appellant's claim that he was denied effective assistance by Mr. Salaway's "prejudicial and erroneous" comment at sentencing that Johnson was in the "narcotics business for profit, no doubt about it". (A. 70-71B) The Government in opposition submitted an affidavit denying any investigation of defense counsel during appellant's trial (A. 71C-E).

Judge Travia, by a six page Decision and Order of November 1, 1974, denied appellant's motion, holding that the records and file in the matter conclusively showed that appellant was not entitled to a hearing. Finding that the "Speedy Trial" issue had been fully litigated on direct appeal, the Court dismissed that issue without any further discussion (A. 73). Further, citing the stringent standard necessary to meet in order to uphold a claim of ineffective assistance of counsel, the Court held the appellant's contention to be infirm. Judge Travia, without making a factual finding as to the alleged investigation of Mr. Salaway,

held, even the if claim was true, it was unrelated to the question of ineffective assistance. Likewise, the Court found no connection between the fact that his Honor testified in an unrelated case in which Mr. Salaway was counsel and the issue of effective assistance of counsel in the instant trial. Characterizing counsel's assertion concerning his client's profit motives at sentencing as a "mistaken choice of strategy", the Court refused to scrutinize the wisdom of the comment (A. 73-75).

On December 6, 1974, appellant filed a petition for a rehearing of his motion to vacate. Alternatively, appellant sought permission to proceed on appeal in forma pauperis from Judge Travia's denial of his motion. Arguing the necessity of an evidentiary hearing, appellant asserted the same claims as he did in his initial motion papers and raised yet new contentions. Johnson, attempting to elucidate his prior claim of prejudice in that Judge Travia testified in the Bynum case, alleged that Judge Travia testified concerning several tapes that mentioned Johnson's participation in criminal acts. Moreover, appellant argued that the Court, the Assistant United States Attorney, and defense counsel were in "collusion" to deprive appellant of his rights to a fair trial; that the three "invaded" the province of the jury by entering the jury room to instruct jurors to continue deliberating; that the Court and both sides agreed to "suppress" evidence favorable to the appellant; and that they agreed not to put the introducing informant on the stand in order to corroborate Agent McMillian's testimony,

thereby depriving appellant of his Sixth Amendment right of confrontation. Appellant further argued that the Court committed prejudicial error in allowing Mr. Johnson only fifteen minutes to produce Agent Ryan at the sentencing proceedings. Lastly, appellant asserted that the stipulation entered into by both sides concerning the chemist's anticipated testimony undercut the effectiveness of defense counsel; it was Johnson's contention that Mr. Salaway should have challenged the testimony of the government chemist. (A. 77-80)

By a Memorandum and Order dated December 10, 1974, Judge Costantino denied appellant's application for a rehearing, but granted Johnson leave to proceed on appeal in forma pauperis. (A. 81) It is from this decision that appellant hereby appeals. It is appellant's contention before this Court of Appeals, that the District erred in failing to hold an evidentiary hearing on his motion to vacate under 28 U.S.C., §2255.

## POINT I

APPELLANT'S CLAIM OF DENIAL OF  
HIS RIGHTS TO A SPEEDY TRIAL, WAS  
FULLY LITIGATED ON DIRECT APPEAL.  
HENCE IT IS NOT AN ISSUE THAT CAN  
BE RAISED ON COLLATERAL ATTACK.

A claim of denial of speedy trial rights is appropriately raised on direct appeal and not by a motion under 28 U.S.C., §2255. United States v. Robinson, 143 F. Supp. 286, 294 (D.C. Ky., 1957). Herein, appellant preserved his rights to appeal by moving for dismissal for lack of prosecution in April, 1972. When his motion was denied by the District Court, appellant took his claim before this Court on direct appeal. The speedy trial issue was fully briefed by both sides, and oral argument was heard in April, 1974. This Court, in affirming the conviction from the bench, of necessity found no unconstitutional denial of speedy trial rights. It is of course, well settled that once a matter is decided adversely to a defendant on direct appeal, it cannot be relitigated by way of a post-conviction collateral attack, Meyers v. United States, 446 F.2d 37,38 (2d Cir. 1971); Panico v. United States, 412 F.2d 1151,1154 (2d Cir. 1969) cert. denied, 397 U.S. 921 (1970).

The Government does recognize the exception to this firm rule as stated in Kaufman v. United States, 394 U.S. 217 (1969). There the Supreme Court held that a federal claim already decided on direct appeal could in certain circumstances

still be heard collaterally in a §2255 proceeding, to wit: (1) where it is unclear that there was a decision on the merits; (2) if new law is made or facts uncovered following the direct appeal; or (3) where the findings of fact are made in a hearing not "full and fair" within the meaning of Townsend v. Sain, 372 U.S. 293 (1963). Id. at 230-231. Herein, however, appellant does not allege the existence of any of the situations enumerated in Kaufman. Rather, appellant merely makes the bald assertion that he was denied his speedy trial rights.

Even assuming appellant was denied a "full and fair" hearing on the issues below, or on direct appeal, his claim remains infirm. As the chronology of events indicates (See Statement of Case, supra at 4-5) the delay from arrest to trial, some twenty-four months, was not due to the Government's calculated tactics aimed at disabling the appellant. In fact the day after implementation of the Second Circuit Rules Regarding Prompt Disposition of Criminal Cases, the Government filed its notice of readiness indicating its ability to proceed immediately to trial. Appellant, however, waited until eighteen months after the arrest before moving for dismissal, and indeed requested a five month adjournment if that motion was denied. Rather than moving for an immediate trial in July, 1971, appellant chose rather to play a waiting game and contribute to the already long delay. Moreover, appellant, who was out on bail throughout the pre-trial proceedings

should not be heard to complain of the loss of defense witnesses.  
See United States ex rel. Spina v. McQuillian, \_\_\_\_ F.2d \_\_\_\_,  
slip op. 4827, 4837 (2d Cir., July 16, 1975) and case cited  
therein.

## POINT II

THE DISTRICT COURT PROPERLY  
DENIED APPELLANT'S MOTION  
UNDER 28 U.S.C., §2255 WITHOUT  
AN EVIDENTIARY HEARING.

Appellant's principal contention, encompassing all of his claims, is that the District Court erred in not holding an evidentiary hearing on his original motion to vacate his sentence and on his petition for a rehearing. Under the provisions of 28 U.S.C., §2255, it is proper for the District Court to summarily dismiss a motion to vacate sentence, without an evidentiary hearing, where the files and records conclusively show that the appellant is not entitled to relief. Hodges v. United States, 368 U.S. 139 (1961); Tozzi v. United States, 309 F. Supp 261 (S.D.N.Y. 1969). Recently, this Court in Williams v. United States, 503 F.2d 995 (2d Cir. 1974) set forth guidelines with respect to §2255 motions and the District Courts' responsibility to conduct evidentiary hearings:

"...[T]he District court has discretion before granting an evidentiary hearing to ascertain whether the claim is substantial. Where allegations in the petition are immaterial, conclusory, and palpably false, there is no basis for a hearing." (citations omitted) Id. at 998.

It is the Government's position that appellant's claims are baseless, conclusory, and frivolous, therefore the District Court appropriately denied Johnson's petition without an evidentiary hearing.

Appellant's claims of ineffective assistance of counsel are simply unsupported by the record. Appellant makes the bare assertion that Mr. Salaway was under investigation at the time of trial for "fixing cases"; no supporting affidavit was offered, however. As represented below, the records of this office and the office of the Southern District do not indicate such an investigation was ever conducted. (A. 71C-D) Moreover, as Judge Travia found, even assuming the allegation to be true, it is difficult to conceive how this deprived the appellant of effective assistance of counsel. Indeed, the record of this case from pre-trial motions through appeal is replete with evidence of diligent representation by Mr. Salaway. Likewise, Johnson's unsupported assertion that his attorney filed a brief on direct appeal without appellant's knowledge is highly doubtful on the record in this case. A reading of the minutes at sentencing evinces a colloquy between the Court and the appellant as to his rights to appeal and Mr. Salaway's affirmative representation to Judge Travia of Mr. Johnson's intention to do so immediately (A. 67-68).

Appellant's claims of undue prejudice by counsel's remark at sentencing that Johnson was in the "narcotics business for profit, no doubt about it" is similarly without merit. While the comment may have been a mistaken tactical choice by counsel, it was not an error of the magnitude which

would provide grounds for collateral attack under 28 U.S.C., §2255. See United States v. Gonzalez, 321 F.2d 638, 639 (2d Cir. 1963). The testimony elicited at trial and noted by Judge Travia at sentencing to the effect that appellant stopped his personal use of drugs in 1969, naturally fostered the conclusion that the appellant's dealings in narcotics for which he was convicted were aimed at securing a profit rather than heroin for his personal use. Appellant's final assertion in support of his claim of ineffective assistance of counsel is that counsel failed to ask for the disqualification of Judge Travia knowing him to have testified in another case concerning tapes mentioning appellant's name. Once again this claim is unsupported. Moreover, even assuming appellant's claim to be true, it is difficult to conceive how it would result in the degree of prejudice requiring disqualification. See United States v. Sclafani, 487 F.2d 245 (2d Cir.) cert. denied, 414 U.S. 1023 (1973). It should be noted that District Judges routinely handle related cases in which a defendant in a later case may well have been the subject of incriminating testimony at an earlier trial before the same judge. Even if Judge Travia did testify concerning tapes involving appellant in an earlier trial, that fact would hardly be more prejudicial than the practice of judges handling matters on a related case basis.

The standard enunciated in United States ex rel. Crispin v. Mancusi, 448 F.2d 233 (2d Cir.) cert. denied 404 U.S. 967 (1971), for demonstrating that representation by counsel was

so inadequate as to provide grounds for relief under §2255 is a stringent one. Appellant's unsupported assertions simply do not lead to the conclusion that "the purported representations by counsel were such as to make the trial a farce and a mockery of justice" or that the alleged deficiencies were of such magnitude that they would "shock the conscience of the Court."

Appellant's further allegations that the Court, the Assistant United States Attorney, and defense counsel were in collusion to suppress evidence, invade the province of the jury and deny appellant his constitutional right to confront witnesses, are similarly unsupported and frivolous.

Appellant additionally argues deprivation of sixth amendment rights by counsel's failure to demand the presence of the introducing informant before the Court. Firstly, that is an issue which should have been raised on direct appeal, not on collateral attack. Moreover, as the Court in Roviaro v. United States, 353 U.S. 53 (1957), noted, disclosure of the informant's identity is required only when necessary for a fair disposition of the case. The only role played by the informant herein was initially introducing Agent McMillian to appellant. Hence it is difficult to conceive how he was a key witness against appellant, especially in light of the corroborative evidence of Patrolman Georgetti (A. 34-49); See also, United States v. Malizia, 503 F.2d 578 (2d Cir. 1974) cert. denied 95 S.Ct. 834 (1975); United States v. Ortega, 471 F.2d 1350, 1358, 59 n.2 (2d Cir.) cert.

denied 411 U.S. 948 (1972). Moreover, as the Court held in United States v. Gonzalez, supra, 321 F.2d at 639, the failure of retained counsel to compel the Government to divulge the name of a participating informant, raises a question of trial tactics, "the wisdom of which cannot be assessed by the Court".

Appellant also argues that he was denied the essential allocation at sentencing of Agent Ryan by the collusive efforts of both sides and the Court. As the Statement of the Case indicates, this claim is also wholly frivolous, since the Court specifically invited appellant to move for a reduction of sentence under Rule 35 if appellant felt Agent Ryan's allocation was desirable. (A. 53-58). Finally, appellant's claims of collusion to suppress evidence and to invade the jury's province are factually unsupported. Appellant contends that the stipulation entered into by both sides as to the testimony of the government chemist resulted in the suppression of evidence favorable to the defense. As the transcript indicates, appellant responded affirmatively to the court's questions as to his understanding of and consent to the stipulation. To claim suppression of evidence in light of his own consent is ridiculous. Furthermore, the Court's, Assistant United States Attorney's, and defense counsel's entrance into the jury room was for the purpose of saving time; instead of forcing the jury to return to the court room for instructions to

continue deliberating, they decided to carry the message to the jury at their confines. They were not there for the 45 minutes appellant claims, and in no manner interfered with the jury's fact-finding responsibilities.

Based upon the foregoing, it is submitted that this appeal is entirely without merit. As appellant aptly contends, where a federal prisoner presents a "sufficient" affidavit in support of a §2255 motion, a hearing is required. Taylor v. United States 487 F.2 307 (2nd Cir. 1973). But just as clearly, this Court has indicated that a hearing is not required "where the allegations are insufficient in law, conclusory, palpably false or patently frivolous." United States v. Malcolm, 432 F.2d 809, 812 (2d Cir. 1970); Williams v. United States, supra, 503 F.2d 995, 998 (2d Cir. 1974). Herein, no affidavit or other proof was offered by appellant, only bald and unsupported allegations.

CONCLUSION

The orders of the District Court should be affirmed.

Dated: July 23, 1975

Respectfully submitted,

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## AFFIDAVIT OF MAILING

STATE OF NEW YORK

COUNTY OF KINGS

EASTERN DISTRICT OF NEW YORK

} ss

LYDIA FERNANDEZ

being duly sworn,

deposes and says that he is employed in the office of the United States Attorney for the Eastern District of New York.

two copies

That on the 23rd day of July 19 75 he served ~~a copy~~ of the within

Brief for the Appellee

by placing the same in a properly postpaid franked envelope addressed to:

Mr. Joe L. Johnson

c/o U. S. Penitentiary, Box PMB

Atlanta, Georgia 30315

and deponent further says that he sealed the said envelope and placed the same in the mail chute drop for mailing in the United States Court House, <sup>225 Cadman Plaza East</sup> ~~Washington Street~~, Borough of Brooklyn, County of Kings, City of New York.

*Lydia Fernandez*  
LYDIA FERNANDEZ

Sworn to before me this

23rd day of July 19 75

*Olga S. Morgan*  
OLGA S. MORGAN  
Notary Public, State of New York  
No. 24-4501966  
Qualified in Kings County  
Commission Expires March 30, 1977